

Louisiana Law of Obligations

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Louisiana Law of Obligations

A Methodological & Comparative Perspective

Cases, Texts and Materials

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Contents

Table of Principal Cases	xiii
Preface	xvii
References	xix

PART ONE OF THE NATURE, DIVISION & KINDS OF OBLIGATIONS

Chapter One · Obligations: Principles	3
Louisiana Sources of Law	3
Louisiana Civil Code	3
Précis: Louisiana Law of Obligations in General § 1.1.1 to 1.4.2	3
Comparative Law Perspective	4
Chapter Two · Natural Obligations	5
Louisiana Sources of Law	5
Louisiana Civil Code	5
Précis: Louisiana Law of Obligations in General § 1.3.1 to 1.4.1	5
Cases	6
In re ATKINS' ESTATE ATKINS v. COMMISSIONER OF INTERNAL REVENUE	6
Succession of BURNS et al.	9
SUCCESSION OF Emanuel HARRISON	13
STATE of Louisiana v. Allan L. PLACKE, et al.	18
Comparative Law Perspective	24
Chapter Three · Heritable, Personal & Real Obligations	27
Louisiana Sources of Law	27
Louisiana Civil Code	27
Précis: Louisiana Law of Obligations in General § 2.1.1 to 2.1.2	27
Cases	28
JOHNSON v. LEVY et al.	28
BOGART v. CALDWELL	32
ST. JUDE MEDICAL OFFICE BUILDING LIMITED PARTNERSHIP v. CITY GLASS AND MIRROR, INC., et al.	37
Chapter Four · Obligations of Result & Means	41
Louisiana Sources of Law	41
Précis: Louisiana Law of Obligations in General § 1.2.2	41
Cases	41

Miss Lula Mae JOHNSON v. NEW ORLEANS PUBLIC SERVICE, INCORPORATED	41
Warner Max ALEXANDER v. ALTON OCHSNER MEDICAL FOUNDATION et al.	43
Louis HENSON v. ST. PAUL FIRE AND MARINE INSURANCE COMPANY	46
Comparative Law Perspective	49
Obligations of Result & Means	49
Chapter Five · Terms & Conditions	53
Louisiana Sources of Law	53
Louisiana Civil Code	53
Précis: Louisiana Law of Obligations in General § 2.2-A.1 to 2.2-B.2	54
Cases	56
In re Liquidation of HIBERNIA BANK & TRUST CO. In re INTERVENTION of D. H. HOLMES CO., Limited	56
HOUSING AUTHORITY OF THE TOWN OF LAKE ARTHUR, La. v. T. MILLER & SONS et al.	58
HOLMES BRICK & SALVAGE CO., Inc. v. REO CONSTRUCTION, INC.	63
F. J. DeMARY v. Louis A. FONTENOT	66
Comparative Law Perspective	70
Chapter Six · Conjunctive, Alternative & Facultative Obligations	75
Louisiana Sources of Law	75
Louisiana Civil Code	75
Précis: Louisiana Law of Obligations in General § 4.1.1 to 4.3.1	76
Cases	77
Mrs. Estelle Polmer RABIN v. Margaret S. BLAZAS and Harry Frisch	77
Stanford LATTER and Robert L. Yuspeh v. STATE of Louisiana	79
Comparative Law Perspective	82
Chapter Seven · Joint, Solidary, and Divisible Obligations	83
Louisiana Sources of Law	83
Louisiana Civil Code	83
Précis: Louisiana Law of Obligations in General § 3.1.1 to 4.4.2	85
Cases	87
Jimmie WILKS et ux. v. ALLSTATE INSURANCE COMPANY et al.	87
William HOEFLY & Joann C. Hoefly v. GOVERNMENT EMPLOYEES INSURANCE COMPANY, et al.	96
LOUISIANA BANK AND TRUST COMPANY, CROWLEY, Louisiana v. Mrs. Jewel B. BOUTTE et al.	102
S & W INVESTMENT COMPANY, Inc. v. OTIS W. SHARP & SON, INC.	108
Bryan Ardis FRAME, et al., v. SHREVEPORT ANTI-TUBERCULOSIS LEAGUE, et al., STATE of Louisiana, Through the DEPARTMENT OF HIGHWAYS, v. Bryan Ardis FRAME, et al.	113
Richard A. BERLIER v. A.P. GREEN INDUSTRIES, INC., et al.	117
Comparative Law Perspective	126

PART TWO
CONVENTIONAL OBLIGATIONS

Chapter One · General Provisions	131
Louisiana Sources of Law	131
Louisiana Civil Code	131
Précis: Louisiana Law of Conventional Obligations — Article I to 1.6.2	132
Cases	134
LILLIS v. OWENS	134
ORKIN EXTERMINATING COMPANY v. James T. FOTI	138
CELLULAR ONE, INC. v. John Brent BOYD	143
CELLULAR ONE, INC. v. Hamilton J. LEMOINE	143
Comparative Law Perspective	149
Chapter Two · Requisites to the Formation of a Valid Agreement	155
Section I — Capacity to Contract	155
Louisiana Sources of Law	155
Louisiana Civil Code	155
Précis: Louisiana Law of Conventional Obligations — Article I to 2.2.1	156
Case	157
FIDELITY FINANCIAL SERVICES, INC. v. Edward E. McCOY	157
Section II — Consent	158
Louisiana Sources of Law	158
Louisiana Civil Code	158
Précis: Louisiana Law of Conventional Obligations — §§ 3.1.1 to 3.1.2	160
Cases	161
WAGENVOORD BROADCASTING COMPANY, Inc. v. CANAL AUTOMATIC TRANSMISSION SERVICE, INC.	161
EVER-TITE ROOFING CORPORATION v. G. T. GREEN et ux.	165
The NATIONAL CO., Inc., d/b/a The National Roofing and Siding Co. v. Fano J. NAVARRO and Anna Mae Navarro	169
Leland H. JOHNSON v. CAPITAL CITY FORD COMPANY, Inc.	173
Comparative Law Perspective	181
Section III — Vices of Consent	185
Louisiana Sources of Law	185
Louisiana Civil Code	185
Précis: Louisiana Law of Conventional Obligations — §§ 4.1.1 to 4.3.3	186
Cases	189
Mrs. Joyce DEUTSCHMANN, wife of/and Frank Deutschmann v. STANDARD FUR COMPANY, INC.	189
Mrs. Corinne Clohecy WISE, Widow of Daniel J. Wise, v. Vester PRESCOTT et al.	192
Daniel G. GRIFFIN, d/b/a Checkwriter Service Co. v. SEISMIC SERVICES, INC.	196
Robert R. BOUCHER, A. C. Wilkinson, Jules R. Gueymard v. DIVISION OF EMPLOYMENT SECURITY, DEPARTMENT OF LABOR of the State of Louisiana	200

Curley WILSON v. AETNA CASUALTY & SURETY COMPANY	206
John C. SKANNAL v. Dennis BAMBURG, Margie Dumas, Bamburg & Sligo Hills, L.L.C.	211
Comparative Law Perspective	219
Section IV — Object and Matter of Contracts	220
Louisiana Sources of Law	220
Louisiana Civil Code	220
Précis: Louisiana Law of Conventional Obligations — §§ 6.1.1 to 6.2.2 and §§ 7.1 to 7.3.3	221
Cases	224
TAC AMUSEMENT COMPANY v. Kermit J. HENRY	224
The SPRINGS THUNDER AGENCY, INC. v. ODOM INSURANCE AGENCY, INC.	226
Nolton ANDREPONT v. ACADIA DRILLING CO., Inc., et al.	228
Dr. Willie John JOSEPH, III, Dr. Michelle T. Brumfield, and St. Mary Anesthesia Associates, Inc. v. HOSPITAL SERVICE DISTRICT NO. 2 OF the PARISH OF ST. MARY, State of Louisiana, Our Lady of the Lake Hospital, Inc., Melvin Bourgeois, M.D., James Broussard, John Guarisco, Sharon Howell, Y. George Ramirez, Clifford M. Broussard, National Union Fire Insurance Company of Louisiana and Louisiana Hospital Association Malpractice and General Liability Trust [. . .]	235
Charles Robert McKEE, IV v. SOUTHFIELD SCHOOL and the Board of Trustees of Southfield School	242
Comparative Law Perspective	249
Marcel Planiol, <i>Treatise on the Civil Law</i>	249
Section V — Cause or Consideration	249
Louisiana Sources of Law	249
Précis: Louisiana Law of Conventional Obligations — §§ 5.1.1 to 5.1.2	250
Cases	251
W. T. WEST v. LOE PIPE YARD et al.	251
DAVIS-DELCAMBRE MOTORS, INC. v. Martin SIMON	255
DAVIS-DELCAMBRE MOTORS, INC. v. Martin SIMON	259
AARON & TURNER, L.L.C. v. Melissa Michelle PERRET and Continental Financial Group, Inc.	262
Comparative Law Perspective	268
Alain Levasseur, <i>Comparative Law of Contracts</i>	268
Section VI — Conclusion on Formation of Contracts	271
Del CRYER v. M & M MANUFACTURING COMPANY, INC.	271
FIRST LOUISIANA BANK v. MORRIS & DICKSON, CO., LLC	283
 Chapter Three · Effects of Obligations	 293
Louisiana Sources of Law	293
Louisiana Civil Code	293
Précis: Louisiana Law of Conventional Obligations — §§ 8.1.1 to 8.1.2	294
Comparative Law Perspective	295

Section I — Obligation to Give — Putting in Default	298
Louisiana Sources of Law	298
Louisiana Civil Code	298
Précis: Louisiana Law of Conventional Obligations — § 8.2.2	299
Précis: Louisiana Law of Obligations in General § 7.1.1	300
Cases	301
Roger LEON, Sr. v. Aubin DUPRE and Mrs. Aubin Dupre	301
AMERICAN CREOSOTE WORKS v. BOLAND MACHINE & MFG. CO.	302
Section II — Obligations to Do or Not to Do; Specific Performance	305
Louisiana Sources of Law	305
Louisiana Civil Code	305
Précis: Louisiana Law of Conventional Obligations — § 8.2.1	306
Cases	306
Lee R. CENTANNI, M.D. v. A. K. ROY, INC.	306
H. B. ‘Bud’ FLETCHER v. Carol RACHOU, d/b/a La Louisianne Records and Recording Studio	309
J. WEINGARTEN, INC. v. NORTHGATE MALL, INC. and Pickens Bond Construction Company	313
Glenn Edward GREZAFFI v. R. Craig SMITH	320
Section III — Damages Resulting from the Inexecution of Conventional Obligations	324
Louisiana Sources of Law	324
Louisiana Civil Code	324
Précis: Louisiana Law of Conventional Obligations — § 8.3.2	326
Cases	328
Dr. Frank H. MAREK v. Dr. G. Gordon McHARDY et al.	328
Bruce MEADOR and Gretchen Meador v. TOYOTA OF JEFFERSON, INC., et al.	333
Brenda BOURNE v. REIN CHRYSLER-PLYMOUTH, INC. and Chrysler Corporation	339
The KROGER COMPANY v. L.G. BARCUS & SONS, INC., et al.	343
Comparative Law Perspective	346
Section IV — What Contracts Shall Be Avoided by Persons Not Parties to Them; Simulation, Revocatory (Pauliana) Action, Oblique Action	354
Louisiana Sources of Law	354
Louisiana Civil Code	354
Précis: Louisiana Law of Conventional Obligations — §§ 11.1.1 to 11.1.6	356
Cases	358
The NATIONAL BANK OF BOSSIER CITY et al. v. Kenneth R. HARDCASTLE et al.	358
Succession of Mrs. Alice BONING, Widow of Joseph P. HENICAN	361
Succession of Elizabeth E. TERRAL and J. R. Terral	363
J. B. OWEN et al. v. W. H. OWEN et al.	367
LONDON TOWNE CONDOMINIUM HOMEOWNER’S ASSOCIATION v. LONDON TOWNE COMPANY, et al.	373
Section V — Of the Interpretation of Agreements	379
Louisiana Sources of Law	379

Louisiana Civil Code	379
Précis: Louisiana Law of Conventional Obligations — §§ 10.1.1 to 10.2.2	380
Cases	381
Charles Ray SANDERS, et al. v. ASHLAND OIL, INC., et al.	381
Kathy PREJEAN v. Walter GUILLORY, et al.	387
Chapter Four · Of the Manner in Which Obligations May Be Transferred and Extinguished	393
Section I — Assumption of Obligations	393
Louisiana Sources of Law	393
Louisiana Civil Code	393
Précis: Louisiana Law of Obligations in General §§ 5.1.1 to 5.1.3	394
Cases	394
Beverly B. McCrory, Wife of/and Gerard L. McCRORY v. TERMINIX SERVICE CO., INC., and XYZ Insurance Company	394
Linda BROWN v. CONNECTICUT GENERAL LIFE INSURANCE COMPANY, ABC Contractor, and DEF architect	397
Section II — Of Payment with or without Subrogation	400
Louisiana Sources of Law	400
Louisiana Civil Code	400
Précis: Louisiana Law of Obligations in General §§ 5.2.1 to 5.2.3	401
Cases	403
STANDARD MOTOR CAR COMPANY et al. v. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY	403
ST. PAUL FIRE & MARINE INSURANCE COMPANY v. Verry GALLIEN et al.	408
PRINGLE-ASSOCIATED MORTGAGE CORPORATION v. Ernest R. EANES, Jr., et al.	410
Charles W. COX v. W. M. HEROMAN & CO., INC., and American Employers Insurance Co.	414
Bruce MARTIN v. LOUISIANA FARM BUREAU CASUALTY INSURANCE COMPANY, et al.	424
Lionel Lorio SMITH v. Kathleen Hebert SMITH	427
SAFEWAY INSURANCE COMPANY OF LOUISIANA v. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY	429
Section III — Imputation of Payment	432
Louisiana Sources of Law	432
Louisiana Civil Code	432
Précis: Louisiana Law of Obligations in General §§ 7.1.2	433
Cases	434
Gilbert M. PORCHE and Theresa Landry Porche v. Thomas S. WALDRIP, et al.	434
Andrew PAYTON v. Wendell COLAR, et al.	436
Don J. CHAISSON and Diane Chaisson v. Matthew CHAISSON	442
Section IV — Tender & Deposit	446
Louisiana Sources of Law	446
Louisiana Civil Code	446
Précis: Louisiana Law of Obligations in General § 7.1.3	446

Section V — Impossibility of Performance	447
Louisiana Sources of Law	447
Louisiana Civil Code	447
Précis: Louisiana Law of Obligations in General §§ 7.2.1 to 7.2.2	447
Cases	448
CITY OF NEW ORLEANS; Blake G. Arata et al., representatives, etc.;	
and New Orleans Public Service, Inc. v. UNITED GAS	
PIPE LINE COMPANY.	448
LOUISIANA POWER & LIGHT COMPANY v. UNITED GAS	
PIPE LINE COMPANY and Pennzoil Company	448
HANOVER PETROLEUM CORPORATION v. TENNECO INC.	454
Comparative Law Perspective	460
Section VI — Of Novation	466
Louisiana Sources of Law	466
Louisiana Civil Code	466
Précis: Louisiana Law of Obligations in General §§ 7.3.1 to 7.3.4	467
Cases	468
POLK CHEVROLET, INC. v. Vince J. VICARO	468
CRESCENT CIGARETTE VENDING CORPORATION v.	
Alvin J. TOCA	470
FIRST NATIONAL BANK OF ABBEVILLE v.	
Donald GREENE, et al.	473
Comparative Law Perspective	476
Section VII — Remission of Debt	478
Louisiana Sources of Law	478
Louisiana Civil Code	478
Précis: Louisiana Law of Obligations in General §§ 7.4.1 to 7.4.2	479
Cases	480
Frank ARENDER, d/b/a Farm Realty Company v. Jess Carr GILBERT	480
Alvin J. ARLEDGE as Administrator of the Succession of	
Joseph Alton Arledge v. Arlen C. BELL	485
Comparative Law Perspective	487
Remission of Debt/Renunciation of Solidarity	487
Section VIII — Of Compensation	489
Louisiana Sources of Law	489
Louisiana Civil Code	489
Précis: Louisiana Law of Obligations in General §§ 7.5.1 to 7.5.3	489
Cases	491
In re CANAL BANK & TRUST CO. Intervention of WAINER	491
FIRST NATIONAL BANK OF COMMERCE v. Arthur DUFRENE	
and Kim Dufrene d/b/a Dufrene Super Market	496
A CONFIDENTIAL LIMOUSINE SERVICE, INC. v. LONDON	
LIVERY, LTD.	499
Comparative Law Perspective	502
Section IX — Of Confusion	503
Louisiana Sources of Law	503
Louisiana Civil Code	503
Précis: Louisiana Law of Obligations in General §§ 7.6.1 to 7.6.2	503

Cases	504
Noah DESHOTEL v. TRAVELERS INDEMNITY COMPANY	504
HIBERNIA NATIONAL BANK v. CONTINENTAL MARBLE AND GRANITE COMPANY, INC., et al.	506
Section X — Dissolution and Nullity	508
Louisiana Sources of Law	508
Louisiana Civil Code	508
Précis: Louisiana Law of Conventional Obligations §§ 9.1.1 to 9.2.2	510
Cases	514
Opal MENNELLA v. KURT E. SCHON E.A.I., LTD., et al.	514
Kenneth David JONES v. Ezeb CHEVALIER	521
M. Robert VOITIER, Sr. v. ANTIQUE ART GALLERY, et al.	522
Chapter Five · Of the Proof of Obligations and of That of Payment	525
Louisiana Sources of Law	525
Louisiana Civil Code	525
Précis: Louisiana Law of Obligations in General § 6.1.1 to 6.1.3	527
Section I — Of Literal Proof	528
Cases	528
SUNRAY SERVICES, INC. v. The CITY OF MINDEN	528
STATE ex rel. HEBERT v. RECORDER OF MORTGAGES et al.	530
SUCCESSION OF Mrs. Allena Rogers MONTGOMERY	533
Lane N. MELTZER v. Sarah A. MELTZER	535
Section II — Of Testimonial Proof	540
Case	540
SNOW-WHITE ROOFS, INC. v. Frank BOUCHER and Robert Copping	540
Section III — Of Presumptions	542
Case	542
Lloyd JACKSON, Sr., et al. v. GULF INSURANCE COMPANY et al.	542
Index	547

Table of Principal Cases

- A Confidential Limousine Service, Inc. v. London Livery, Ltd., 612 So.2d 875 (1993), 499
- Aaron & Turner, L.L.C. v. Perret, 22 So.3d 910 (2009), 262
- Alexander v. Alton Ochsner Medical Foundation, 276 So.2d 794 (1973), 43
- American Creosote Works v. Boland Machine & Mfg. Co., 35 So.2d 749 (1948), 302
- Arender v. Gilbert, 343 So.2d 1146 (1977), 480
- Arledge v. Bell, 463 So.2d 856 (1985), 485
- Berlier v. A.P. Green Industries, Inc., 815 So.2d 39 (2002), 117
- Bogart v. Caldwell, 66 So.2d 629 (1953), 32
- Boucher v. Division of Employment Security, Department of Labor, 169 So.2d 674 (1964), 200
- Bourne v. Rein Chrysler-Plymouth, Inc., 463 So.2d 1356 (1984), 339
- Brown v. Connecticut General Life Insurance Company, 793 So.2d 211 (2001), 397
- Canal Bank & Trust Co. Intervention of Wainer, 152 So. 578 (1934), 491
- Cellular One, Inc. v. Boyd, 653 So.2d 30 (1995), 143
- Centanni v. A. K. Roy, Inc., 258 So.2d 219 (1972), 306
- Chaisson v. Chaisson, 690 So.2d 899 (1997), 442
- City of New Orleans v. United Gas Pipe Line Company, 517 So.2d 145 (1987), 448
- Cox v. W. M. Heroman & Co., 298 So.2d 848 (1974), 414
- Crescent Cigarette Vending Corporation v. Toca, 271 So.2d 53 (1972), 470
- Davis-Delcambre Motors, Inc. v. Simon, 154 So.2d 775 (1963), 255
- Davis-Delcambre Motors, Inc. v. Simon, 163 So.2d 553 (1964), 259
- Del Cryer v. M & M Manufacturing Company, 273 So.2d 818 (1972), 271
- DeMary v. Fontenot, 161 So.2d 82 (1964), 66
- Deshotel v. Travelers Indemnity Company, 243 So.2d 259 (1971), 504
- Deutschmann v. Standard Fur Company, 331 So.2d 219 (1976), 189
- Ever-Tite Roofing Corporation v. Green, 83 So.2d 449 (1955), 165
- Fidelity Financial Services, Inc. v. McCoy, 392 So.2d 118 (1980), 157
- First Louisiana Bank v. Morris & Dickson Co., 55 So.3d 815 (2010), 283
- First National Bank of Abbeville v. Greene, 612 So.2d 759 (1992), 473
- First National Bank of Commerce v. Dufrene, 525 So.2d 298 (1988), 496
- Fletcher v. Rachou, 323 So.2d 163 (1975), 309
- Frame v. Shreveport Anti-Tuberculosis League, 538 So.2d 684 (1989), 113
- Grezaffi v. Smith, 641 So.2d 210 (1994), 320
- Griffin v. Seismic Services, Inc., 259 So.2d 923 (1972), 196
- Hanover Petroleum Corporation v. Tenneco Inc., 521 So.2d 1234 (1988), 454
- Henson v. St. Paul Fire and Marine Insurance Company, 354 So.2d 612 (1977), 46

- Hibernia National Bank v. Continental Marble and Granite Company, 615 So.2d 1109 (1993), 506
- Hoefly v. Government Employees Insurance Company, 418 So.2d 575 (1982), 96
- Holmes Brick & Salvage Co. v. Reo Construction, Inc., 253 So.2d 562 (1971), 63
- Housing Authority of The Town of Lake Arthur, La. v. T. Miller & Sons, 120 So.2d 494 (1960), 58
- In re Atkins' Estate, 30 F.2d 761 (1929), 6
- In re Liquidation of Hibernia Bank & Trust Co., 189 La. 813 (1938), 56
- Jackson v. Gulf Insurance Company, 199 So.2d 886 (1967), 542
- Johnson v. Capital City Ford Company, 85 So.2d 75 (1955), 173
- Johnson v. Levy, 43 So. 46 (1907), 28
- Johnson v. New Orleans Public Service, Incorporated, 293 So.2d 203 (1974), 41
- Jones v. Chevalier, 579 So.2d 1217 (1991), 521
- Joseph v. Hospital Service District No. 2 of The Parish of St. Mary, 939 So.2d 1206 (2006), 235
- Kroger Company v. L.G. Barcus & Sons, Inc., 13 So.3d 1232 (2009), 343
- Latter v. State, 621 So.2d 1159 (1993), 79
- Leon v. Dupre, 144 So.2d 667 (1962), 301
- Lillis v. Owens, 21 So.2d 185 (1945), 134
- London Towne Condominium Homeowner's Association v. London Towne Company, 939 So.2d 1227 (2006), 373
- Louisiana Bank and Trust Company, Crowley v. Boutte, 309 So.2d 274 (1975), 102
- Marek v. McHardy, 101 So.2d 689 (1958), 328
- Martin v. Louisiana Farm Bureau Casualty Insurance Company, 638 So.2d 1067 (1994), 424
- McCrorry v. Terminix Service Co., 609 So.2d 883 (1992), 394
- McKee v. Southfield School, 613 So.2d 659 (1993), 242
- Meador v. Toyota of Jefferson, Inc., 332 So.2d 433 (1976), 333
- Meltzer v. Meltzer, 662 So.2d 58 (1995), 535
- Mennella v. Kurt E. Schon E.A.I., Ltd., 979 F.2d 357 (1992), 514
- National Bank of Bossier City v. Hardcastle, 204 So.2d 142 (1967), 358
- National Co. v. Navarro, 149 So.2d 648 (1963), 169
- Nolton Andrepont v. Acadia Drilling Co., 231 So.2d 347 (1969), 228
- Orkin Exterminating Company v. Foti, 302 So.2d 593 (1974), 138
- Owen v. Owen, 336 So.2d 782 (1976), 367
- Payton v. Colar, 518 So.2d 1104 (1987), 436
- Polk Chevrolet, Inc. v. Vicaro, 162 So.2d 761 (1964), 468
- Porche v. Waldrip, 597 So.2d 536 (1992), 434
- Prejean v. Guillory, 38 So.3d 274 (2010), 387
- Pringle-Associated Mortgage Corporation v. Eanes, 226 So.2d 502 (1969), 410
- Rabin v. Blazas, 537 So.2d 221 (1988), 77
- S & W Investment Company, Inc. v. Otis W. Sharp & Son, Inc., 170 So.2d 360 (1964), 108
- Safeway Insurance Company of Louisiana v. State Farm Mutual Automobile Insurance Company, 839 So.2d 1022 (2003), 429
- Sanders v. Ashland Oil, Inc., 696 So.2d 1031 (1997), 381
- Skannal v. Bamburg, 33 So.3d 227 (2010), 211
- Smith v. Smith, 685 So.2d 649 (1996), 427
- Snow-White Roofs, Inc. v. Boucher, 182 So.2d 846 (1966), 540
- Springs Thunder Agency, Inc. v. Odom Insurance Agency, Inc., 237 So.2d 96 (1970), 226
- St. Jude Medical Office Building Limited Partnership v. City Glass and Mirror, Inc., 619 So.2d 529 (1993), 37

- St. Paul Fire & Marine Insurance Company v. Gallien, 111 So.2d 571 (1959), 408
- Standard Motor Car Company v. State Farm Mutual Automobile Insurance Company, 97 So.2d 435 (1957), 403
- State ex rel. Hebert v. Recorder of Mortgages, 143 So. 15 (1932), 530
- State v. Placke, 786 So.2d 889 (2001), 18
- Succession of Boning, 248 So.2d 385 (1971), 361
- Succession of Burns, 7 So.2d 359 (1942), 9
- Succession of Harrison, 444 So.2d 1191 (1984), 13
- Succession of Montgomery, 506 So.2d 1309 (1987), 533
- Succession of Terral, 312 So.2d 296 (1975), 363
- Sunray Services, Inc. v. City of Minden, 690 So.2d 970 (1997), 528
- TAC Amusement Company v. Henry, 238 So.2d 398 (1970), 224
- Voitier v. Antique Art Gallery, 524 So.2d 80 (1988), 522
- Wagenvoord Broadcasting Company, Inc. v. Canal Automatic Transmission Service, Inc., 176 So.2d 188 (1965), 161
- Weingarten, Inc. v. Northgate Mall, Inc., 404 So.2d 896 (1981), 313
- West v. Loe Pipe Yard, 125 So.2d 469 (1960), 251
- Wilks v. Allstate Insurance Company, 195 So.2d 390 (1967), 87
- Wilson v. Aetna Casualty & Surety Company, 228 So.2d 229 (1969), 206
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Preface

This is a new and innovative coursebook on the law of Obligations in General and Conventional Obligations under the Louisiana Civil Code. The book covers not only the law of Contractual Obligations, but also, and most importantly, the General Principles of Obligations that govern all subjects addressed in the Civil Code. Such is the case, for example, of the law of Delicts (Torts) (LSA C.C. articles 2315–2324), the law of Things, Book II of the Civil Code, etc.... It is therefore strongly recommended that a reader of this coursebook have available a Louisiana Civil Code to better understand, and appreciate, the intimate connections that exist between the Books and the Articles in the Civil Code.

Like other works of its kind, it features scores of carefully edited excerpts from Louisiana judicial opinions and scholarly writings as well as citations to pertinent articles of the Louisiana Civil Code, all arranged in a systematic fashion, particularly with respect to the ranking of the sources of law. Following the civil law system's approach to the sources of law, we have first listed, under the title of each Chapter, the relevant Code articles to stress the binding authority attached to legislation as the primary source of law. The suggestion is, therefore, that any and all reasoning in a civil law system must start with an understanding of the written source of law under the form of a statute, which a Civil Code actually is. Additionally, we have included some writings of Louisiana scholars and Louisiana cases.

But this casebook includes features that most others do not. Following each case is a series of questions, some designed to direct students to the significant points of the court's analysis, others designed to deepen students' understanding of civil law methodology, above all the principles and techniques of interpretation as applied to a Civil Code. In addition, the coursebook reproduces pertinent articles of foreign civil Codes, excerpts from foreign civil law scholarship and it provides cross-references to relevant provisions of various Anglo-American works on contract law, including the U.C.C. and the Restatements of Contracts. The result is a work that not only provides students [and lawyers] with a comprehensive introduction to Louisiana's law of Obligations, but it also invites students [and lawyers] to draw comparisons between that law and the complementary law of other legal systems.

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